

## Appendices

- A. Licensing Committee report 29 January 2008
- B. DVSA withdrawal of enhanced driver training



**NORTHAMPTON**  
BOROUGH COUNCIL

## LICENSING COMMITTEE REPORT

<b>Report Title</b>	<b>Alternative Driver Assessment Procedure for New Private Hire/Hackney Drivers Licence</b>
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**AGENDA STATUS: PUBLIC**

<b>Committee Meeting Date:</b>	<b>18 October 2016</b>
<b>Policy Document:</b>	<b>Private Hire Driver / Hackney Carriage - New applications</b>
<b>Directorate:</b>	<b>Customers and Communities</b>

### 1. Purpose

1.1 To propose and amend the current Council policy regarding the licensing of new Private Hire & Hackney driver's and their requirement to undergo an enhanced driving assessment as provided for by the Driver and Vehicle Standards Agency(DVSA)

### 2. Recommendations

2.1 That with immediate effect an alternative driver assessment as provided by either of the following:

- (i) Institute of Advanced Motorists (IAM)
- (ii) Driving Instructors Association (DIA)
- (iii) AA Drive Tech (AA)
- (iv) Royal Society for the Prevention of Accidents (ROSPA)
- (v) Blue Lamp Trust (BLT)
- (vi) any other provider considered suitable by the Licensing Department from time to time and accredited by the DVSA to provide driver assessment

be recognised as suitable, for the purposes of assessing the competency of new PHD and HC drivers so as to ensure that driving standards are maintained to a safe and acceptable level

### 3. Issues and Choices

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#### 3.1 Report Background

3.1.1. The Licensing Committee of 29 January 2008 resolved that all new applicants who wanted to become a Private Hire driver/Hackney driver in Northampton should undertake driver training with the Driving Standards Agency (now the Driver & Vehicle Services Agency) as part of the application process (**appendix A**).

3.1.2 The Licensing Department administers all New Driver applications, which at present, stands at approximately 150 per year. Unless exempted by the fact the driver holds a DVLA licence to drive either a passenger carrying vehicle (PCV) or a large goods vehicle (LGV) then all new applicants are required to take an advanced / driver assessment test.

3.1.3 On 2 September 2016 the Licensing Department received notification from the DVSA informing they would no longer provide taxi driver assessments service and this would be effective from 1 January 2017. This announcement by the DVSA was not peculiar to Northampton but would be applicable on a nationwide basis (**appendix B**)

3.1.4 As a result of this notification enquiries have been made to identify alternative sources of driver testing to ensure competency and safety. Many other local authorities are faced with a similar situation as they also subject potential applicants to the same procedure. A number of authorities do not use this practice and have a more relaxed approach (Northamptonshire based local authorities have a mixed approach to this issue) as detailed below:

<b>Northampton Borough Council</b>	Held full licence for 36 months	Must pass DVSA test
<b>South Northants Council</b>	Held full licence for 12 months	Must pass DVSA test
<b>Daventry District Council</b>	Held full licence for 12 months	Must pass DVSA test
<b>Kettering Borough Council</b>	Held full licence for 12 months	No enhanced test requirement
<b>Corby Borough Council</b>	Held full licence for 12 months	No enhanced test requirement
<b>Wellingborough Borough Council</b>	Held full licence for 12 months	Must pass DVSA test
<b>East Northants Council</b>	Held full licence for 12 months	No enhanced test requirement

3.1.5. DVSA are cautious about promoting alternative providers as they are a government agency, but have confirmed there are four road safety charities / driver representative bodies that have advanced driving tests whose content and delivery has been accredited by the Agency. These are:

- Institute of Advanced Motorists - IAM
- Driving Instructors Association - DIA
- AA (Automobile Association) Drive Tech:

- Royal Society for the Prevention of Accidents – ROSPA

A further alternative is a charitable trust, Blue Lamp Trust who have also offered to provide driving assessments although they are not currently accredited by the DVSA.

3.1.6 The Licensing Department regularly receives complaints from other road users about the standard of driving of both Private Hire and Hackney vehicles, some are dealt with informally, more serious allegations are passed to the Police for further action. To discontinue with an advanced / assessment test would be a retrograde step and would not be in the interests in public safety.

3.1.7 Under Section 51 (1) Local Government (Miscellaneous Provisions) Act 1976 a district council shall, on the receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence:

Provided that a district council shall not grant a licence—

- (a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence; or
- (b) to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the date of the application for a driver's licence so authorised.

3.1.8 Section 51 (2) Local Government (Miscellaneous Provisions) Act 1976 allows a district council to attach to the grant of a private hire drivers licence such conditions as they may consider reasonably necessary. The requirement to pass the driver assessment / test who does not hold a Passenger Carrying vehicle or Large Goods Vehicle licence is such a condition to which Section 51(2) LG (MP) Act 1976 refers.

#### **4.1 Choices (Options)**

- 4.1.1. To amend the policy with a requirement for an alternative enhanced driver assessment training to be undertaken in place of the existing requirement through the DVSA who will stop providing such assessments from 31st December 2016
- 4.1.2 To amend the policy with no requirement for additional enhanced driver assessment training.

#### **5. Implications (including financial implications)**

There are no financial implications as the proposed alternative arrangement is incumbent on the applicant to make payment directly to the provider.

##### **5.1 Policy (Hackney and Private Hire Licensing)**

There are new policy implications.

##### **5.2 Resources and Risk**

N/A

##### **5.3 Legal**

As above

#### **5.4. Resources and Risk**

5.4.1 There is no recognised financial risk, the Licensing Team will continue to administer and enforce the issue of Hackney and Private Hire Licenses.

#### **5.6. Consultees (Internal and External)**


5.6.1. Legal.

#### **5.7. Background Papers**

Local Government (Miscellaneous Provisions) Act 1976  
New Driver application conditions

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Licensing Enforcement Officer

## Appendix A

Appendices	 NORTHAMPTON BOROUGH COUNCIL	Item No. <b>8</b>
		Ward: N/A
<b>Name of Group:</b>	LICENSING	
<b>Meeting Date:</b>	29 January 2008	
<b>Directorate:</b>	Chief Executive Legal and Democratic Services	
<b>Corporate Manager:</b>	Francis Fernandes	

<b>Report Title</b>	Applicants for a Hackney/Private Hire Licence.
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### 1. Recommendations

That with effect from 1 April 2008, applicants for a Hackney/Private Hire drivers licence undergo driver training with the Driving Standards Agency and a comprehensive Induction Course prior to being granted a licence.

### 2. Summary

At present the Council require all new applicants for a Hackney Carriage or Private Hire driver's licence to be at least 21 years of age. Each applicant is then subject to a driving test and either a written examination Hackney test or, if a Private Hire applicant a local knowledge, district and condition booklet test. This procedure was introduced some years ago, to ensure that licensed drivers, have a reasonable amount of experience of driving in all conditions thereby ensuring a safe, economic and comfortable journey for members of the travelling public.

Recently introduced Age Discrimination legislation makes the age related condition illegal and revising the conditions for all new applicants are proposed to ensure a continued safeguard for the public.

### 3. Report Background

The requirements of Section 51(1) of the Local Government (Miscellaneous Provisions) Act 1976, as amended by the Driving Licence (Community Driving Licence) Regulations 1996, state that a district council shall not grant a licence to drive a private hire vehicle to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the date of application so authorised. The Act (as amended) states that a person is authorised to drive a motor car if:

He holds a licence granted under Part III of the Road Traffic Act 1988 (not being a provisional licence) authorising him to drive a motor car, or

He is authorised by virtue of Section 99(A)(1) of that Act to drive a motor car in Great Britain.

Section 59(1) of the Local Government (Miscellaneous Provisions) Act 1976 makes the same requirement for Hackney Carriage drivers.

Section 51(2) of the 1976 Act states that District Councils may attach to the grant of a licence such conditions as they may consider necessary.

All new applicants currently undergo a driving test and basic topography knowledge test. These are carried out by the Licensing Enforcement officers and to date have not attracted a separate fee.

The failure rate is very high due to the influx of drivers from those countries newly elected into the European Union and other non-Union countries. This, in spite of holding a full driving licence in their own country for a number of years, it is clear from the number of comments and complaints received that their unfamiliarity with English road systems and signs, and unfamiliarity with driving on the left hand side of the road, may be causing them initial difficulty. Officers therefore feel that revised conditions are necessary in order to offer as safe, economic and comfortable a journey as possible for the fare paying customer.

Officers are also receiving complaints about those drivers for whom English is not their first language and who allegedly have difficulty in understanding customer requests.

To address these concerns it is, therefore, proposed that the following criteria be adopted for all new applicants for Hackney Carriage or Private Hire drivers' licences as from 1 April 2008.

1. All applicants should undergo a Driving Test conducted by the Driving Standards Agency, at their own expense, to assess their competency to drive.
2. All applicants must have held a United Kingdom driving licence for at least 36 months or, if from a country within the EU proof of an equivalent licence from their own country of origin. Driving licences must show the applicant's

current address.

3. Applicants who have been resident in the United Kingdom for less than five years from the date of application are required to provide a Certificate of Good Conduct or equivalent from any country in which they have been resident in the last five years. The Certificate of Good Conduct must be in English and provided at the applicants own expense. This will be in addition to the enhanced Criminal Record Bureau Check.
4. That the present Knowledge Tests be replaced with an Induction Course of an afternoon or four hour duration to include knowledge of the Council Conditions, the Law relating to Hackney and Private Hire vehicles and drivers (with special reference to illegally plying for hire), the Highway Code, disability awareness, and good practice with relation to dealing with the public.
5. This to be followed by a written examination to include all of those subjects covered on the course, and a simple maths, reading and writing test. Research is currently being carried out to find an appropriate, approved basic test.
6. The Hackney Test will require the same level of knowledge as at present and applicants will be advised accordingly.

The course will be incorporated within the duties of the Licensing Department who will be responsible for arranging, running and the content of the course. Guest speakers, experts in their field, have been approached and are willing to address the course. The courses will be arranged conditional on the number of applicants at any one time.

A fee to include all of (4) above is recommended at £350.00.

This will include:

- The cost of officer time. (Team Leader and, both Enforcement Officers).
- Staff responsible for the completion of the Criminal Record Bureau forms, with special reference to the importance of accurate information.
- Guest speakers and their expenses.
- Setting of all relevant tests, invigilation and marking.
- Administration of the course to include all stationary etc.
- Cost of the venue.

It will only be financially viable to run the course when the number of applicants has reached the minimum required. Due to the high number of applicants this would be either monthly or every other month.

Failure to reach the required standard on the Induction Course will attract a retest fee.

### 3A. Any Relevant Policies

Hackney and Private Hire Licensing.

### 4. Options and Evaluation of Options

To adopt the recommendations.

### 5. Resource Implications (including Financial Implications)

Staff costs are ongoing.  
The estimated increase in revenue if these proposals are adopted, based on current applicant numbers, will make the Induction Course self-financing.

### 6. Consultees (Internal and External)

<b>Internal</b>	<ul style="list-style-type: none"><li>• Finance</li></ul>
<b>External</b>	<ul style="list-style-type: none"><li>• Peterborough City Council</li><li>• Milton Keynes Borough Council</li><li>• Leicester City Council</li><li>• Derby City Council</li><li>• Oxford City Council</li><li>• Reading Borough Council</li><li>• Luton Borough Council</li><li>• Cambridge City Council</li><li>• Dacorum Borough Council</li><li>• Watford Borough Council</li><li>• St Albans City Council</li><li>• Ipswich Borough Council</li></ul>

### 7. Compliance Issues

<b>Finance Comments</b>
N/A
<b>Legal Comments</b>
N/A
<b>Crime and Disorder Issues</b>
Under Sec.17 Crime and Disorder Act 1998, we will ensure an increase in safety for the residents of Northampton.
<b>Equality Impact Assessments</b>
N/A
<b>Human Rights Act Implication</b>



N/A
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**Other compliance issues**

None

**8. Background Papers**

Title	Description	Source
	Research File	Mr G Stokes.

Name	Signature	Date	Ext.
Author	Mr G Stokes. Mr P Bayliss	31.12.07	7098
Corporate Manager	Frances Fernandes		
Director			

## Appendix B



**Driver & Vehicle  
Standards  
Agency**

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31 August 2016

### **DVSA Taxi Driver Assessments**

DVSA (and previously DSA) have been conducting Taxi Driver Assessments for participating Local Authorities since 1999. Demand has increased over the years, with a throughput in 2015-16 of approximately 23,000 and a forecast of 28,000 for the business year 2017-18.

These assessments now require considerable examiner resource, at a time when the demand for statutory tests is at an all-time high. The Agency is under pressure to reduce car test waiting times and in order to achieve this, we need to prioritise our activities.

Regrettably, a decision has been made to withdraw the provision of Taxi Assessments with effect from 31 December 2016. We understand that this will be a disappointment and inconvenience to those Local Authorities who currently require their taxi drivers to pass the DVSA assessment.

The Agency also recognises the road safety benefits of such an assessment; therefore, we would point out that there are potential providers such as road safety charities and Driving Instructor representative bodies, who may be interested in providing an alternative service. Details of these organisations can be easily obtained by submitting a general internet search.

Yours faithfully

**Neil Wilson**  
Head of Driver and Driver Training Policy

Safety Standards Service

